

CITY OF COLLEGEDALE

COLLEGEDALE, TENNESSEE



Request for Qualifications

2023 Pump Station Modernization

OWNER/ENGINEER:
City of Collegedale
E. Wayon Hines, P.E.
4910 Swinyar Drive
PO Box 1880
Collegedale, TN 37315
423-396-3135

CITY OF COLLEGEDALE, TENNESSEE

REQUEST FOR QUALIFICATIONS

PUMP STATION MODERNIZATION

The City of Collegedale seeks Statements of Qualifications from qualified firms for the assessment and design of a new pumping system, including upgraded electrical, mechanical, structural and HVAC controls and systems, as well as any and all associated building/site modifications, to modernize the City's existing pump station located at 5151 Ooltewah Ringgold Road in the City of Collegedale. This contract will be primarily funded as part of the Tennessee Department of Environment and Conservation's (TDEC) American Rescue Plan Act (ARP) funds, which have been allocated to the City for water, wastewater and stormwater infrastructure projects under TDEC's Water Infrastructure Investment Plan, and as such, will be subject to all applicable terms and conditions.

Services to be provided under this contract include, but are not limited to, the following items:

- Complete a pump flow analysis of the existing system;
- Analyze the current system's capacity given existing pipe size, configuration, manifolds, etc.;
- Develop recommended pumping systems (variable speed drives) and discharge pipe modifications to achieve the City's desired peak flow rate of 6 MGD;
- Develop and prepare construction drawings and specifications for the improvements necessary to meet the City's requirements;
- Offer technical assistance during the bid process to address bidder inquiries, review bids and make recommendation of award;
- Provide Construction Administration Services to the City during construction, including, but not limited to, progress and final inspections, shop drawing review/approval and review of payment requests; and
- Work cooperatively with the City's Grant Administration Agent to provide any/all information necessary to meet statutory requirements, secure reimbursements and submit final project close-out documentation.

A more detailed description of these services can be found on the scope of services provided later in this document.

REQUIREMENTS FOR STATEMENTS OF QUALIFICATIONS

Owner: City of Collegedale

Project: Collegedale Pump Station Modernization

Please include the following information in your Statement of Qualifications:

1. A letter of interest signed by a principal of your firm with a statement as to the availability of the firm to complete the work within the stated time period, the firm's current workload, assurance of firm's insurance coverage, the location where the majority of the work on this project will be accomplished, and a statement of the firm's financial stability. This letter may include a brief history of the firm.
2. Résumés of key personnel to be assigned to this project.
3. Related projects that the firm has worked on or had experience in during the last two years. Please include the name of the project, a contact person, and dollar amount for each example (limit to five projects).
 - a) Include names, addresses and phone numbers of references.
 - b) Indicate individuals who had responsibility for each project and whether these persons are still with your firm.
 - c) Include examples of other projects that are similar in scope to this one.
4. You are invited to include additional pages of information not covered above, which you feel may be useful and applicable to this project.

SCHEDULE OF ACTIVITIES

Below is the selection committee's schedule of activities:

For: Collegedale Pump Station Modernization
5751 Ooltewah Ringgold Road
Collegedale, TN 37315

By: City of Collegedale
4910 Swinyar Drive
Collegedale, TN 37315

ACTIVITY	DATE
Identify needs and define a general scope of work.	January-March 2023
Advertise RFQ	August 20, 2023
Tour facilities at 5751 Ooltewah Ringgold Road on September 13, 2023 at 10:00 am.	September 13, 2023
Receive Statements of Qualifications from potential firms.	October 5, 2023
Review and rank firms, check references, and develop potential interview short list	October 9, 2023
Mail memo to short-listed firms advising them of the date for, along with criteria to be reviewed during the interview.	October 9, 2023
Mail memo to non-short-listed firms informing them of who will be interviewed and expressing appreciation of their interest.	October 9, 2023
Interview short-listed firms; select the most qualified firm.	October 23, 2023
Negotiate scope of work and fee; contract with selected firm.	October 27, 2023
Mail memo reflecting the results of the interviews to all firms interviewed.	October 27, 2023
Award of contract to selected firm by City Commissioners	November 6, 2023

PRELIMINARY SCOPE OF SERVICES

Owner: City of Collegedale
Project Name: Collegedale Pump Station Modernization
Project Location: 5751 Ooltewah Ringgold Road
Contact Person: Eric Sines, Director, Public Works

Project outline and general anticipated requirements:

The City of Collegedale seeks statements of qualifications from qualified firms for the assessment and design of a new pumping system, including upgraded electrical, mechanical, structural and HVAC controls and systems, as well as any and all associated building/site modifications, to modernize the City's existing pump station located at 5751 Ooltewah Ringgold Road in the City of Collegedale. This contract will be primarily funded as part of the Tennessee Department of Environment and Conservation's (TDEC) American Rescue Plan Act (ARP) funds, which have been allocated to the City for water, wastewater and stormwater infrastructure projects under TDEC's Water Infrastructure Investment Plan, and as such, will be subject to all applicable terms and conditions. The successful firm must have prior experience with TDEC submittal requirements for this type of project.

The requirements expected from the qualified firm include the following:

1. Preliminary design and development phase
 - A. Preliminary work - includes preliminary design professional services and flow capacity evaluation of the current system, reports to identify recommended improvement measures, cost estimates and regulatory requirements, if any;
 - B. Field investigations - includes site surveys, existing building and wet-well as-builts and overall structural, electrical, mechanical and HVAC systems;
 - C. Preliminary design – provides recommended pump capacities, shows proposed layouts and outlines design concepts
2. Final design phase

After approval of the preliminary design by regulatory agencies and the project owner, this phase will include preparation of plans, specifications, permit applications (if applicable), and contract documents that are required for approval of regulatory agencies and are necessary before construction can proceed.
3. Bidding/negotiating phase – assist the city with advertising the project, respond to pre-bid inquiries, receive and evaluate bids, and provide recommendations for award of contract.
4. Construction phase – Upon approval of a contract by the City Commission, assist the City with the following:
 - Consultation with owner during construction
 - Review of shop drawings for compliance with design drawings and specifications
 - Periodic field inspections of work in progress and reporting findings to owner
 - Review and analysis of field-testing reports
 - Mediation to resolve disputes between owner and contractor
 - Project start-up services
 - Final inspection and project completion

Anticipated time frame:

It is the intent of the City of Collegedale to begin the preliminary assessment and evaluation of the existing pump station facility once a qualified firm has been selected, as early as November 7, 2023. Full construction plans and specifications should be prepared in anticipation of a March 2024 bid advertisement. The City of Collegedale anticipates construction to begin in the second quarter of 2024.

Review/Selection Committee:

The individuals involved in reviewing the response to this RFQ and selecting the most qualified firm include:

E. Wayon Hines, City Manager/Engineer
Eric Sines, Director, Public Works
Robbie Derrick, Supervisor, Sewer Division
Kris McAloon, Staff Engineer

Evaluation Criteria:

The City of Collegedale will evaluate responses based upon the following criteria:

- Adherence to RFQ instructions – 25%
- Company structure, experience, past performance and ability to successfully complete the scope of services – 40%
- Project understanding - Comprehension of City's needs/desires related to this project - 35%

Selection Process

All qualified proposals submitted in accordance with the terms of the Request for Qualifications will be evaluated to determine the most responsive entity. A uniform selection process will be used to evaluate all proposals, as provided at the end of this document. City of Collegedale staff responsible for this project will review and evaluate all proposals received in response to this Request for Proposal. City of Collegedale staff will make a recommendation to the Collegedale Board of Commissioners and Collegedale City Manager for review and approval.

Qualifications will be evaluated on the following factors:

- Specified experience or technical expertise of the firm in connection with the type of services to be provided
- Compliance with the requirements of the RFQ instructions
- Past record of performance on contracts with the community and other clients including quality of work, timelines, and cost control.
- Capacity of firm to perform the work within time limitations, taking into consideration the current and planned workload of the firm.

To be evaluated properly, the following must be addressed in detail:

- Qualifications – Availability of qualified personnel and capacity of the firm to carryout professional engineering services.
- Experience – Experience and technical expertise of the firm and its personnel, as well as information regarding projects previously undertaken, including the types and cost of projects.
- Scope of Services – Summarize scope and type of services understanding of program and tasks.

Upon selection of a successful respondent, the following provisions, at a minimum, are required to be submitted and will be included in the final contract entered into with the City. The appropriate forms are included at the end of this document.

- a. BYRD Anti-Lobbying Amendment Certification
- b. Iran Divestment Act Certificate
- c. Debarment/Suspension Certification
- d. Non-Boycott of Israel Certification

The City of Collegedale is an Equal Opportunity Provider and Employer. The City of Collegedale encourages Minority owned Business Enterprises (MBEs) and Women owned Businesses Enterprises (WBEs) to submit qualifications.

The City hereby notifies all submitters that in regard to any contract entered into pursuant to this advertisement, minority business enterprises will be afforded a full opportunity to submit qualifications in response to this invitation and shall not be discriminated against on the basis of race, religion, sex, age, national origin, or disability in consideration for an award.

The City of Collegedale will award a contract to the engineering firm or firms deemed most qualified to provide services as requested. The contract(s) will include scope and extent of work and other essential requirements as identified above.

The City of Collegedale reserves the right to reject any and all statement of qualifications.

Questions

All questions regarding this RFQ should be submitted via email to Kris McAloon, Staff Engineer (kmcaloon@collegedaletn.gov), no later than September 21, 2023. Questions will be answered via email to those who ask a question, and to all other firms, no later than September 28, 2023. All potential respondents shall notify the Staff Engineer via email that they have obtained the RFQ document from the website. Owner assumes no responsibility for lack of response to unknown respondents.

Site Access for Pre-Submittal Walk-through:

In advance of the RFQ submission deadline, a tour of the facility and site is currently scheduled for September 13, 2023 at 10:00 am. Please contact Eric Sines, Director, Public Works at esines@collegedaletn.gov if you plan to attend this tour.

RFP Grading Criteria

VENDOR SCORECARD TEMPLATE



CRITERIA CHECKLIST

1. Adherence to RFQ Instructions	VENDOR 1	VENDOR 2	VENDOR 3	BASIS FOR SCORE
Timeliness	0	0	0	Arrived by deadline receives all points
Completeness	0	0	0	Provide pertinent information responsive to advertisement
Overall Quality & Level of Professionalism	0	0	0	Technically compliant and attractive receives all points
Overall Response	0	0	0	Overall quality very high receives all points
Average Score	0.00	0.00	0.00	
2. Company Information	VENDOR 1	VENDOR 2	VENDOR 3	BASIS FOR SCORE
Organizational Structure	0	0	0	Explained structure and org chart receives all points
Experience with Similar Companies	0	0	0	Proof of similar sized and focused companies experience receives all points
Project Capacity	0	0	0	Ability of firm to perform the work within time limitations, taking into consideration current and planned workload of the firm
Past performance on previous contracts with the City	0	0	0	Positive performances on previous City projects receives all points
Average Score	0.00	0.00	0.00	
3. Project Understanding	VENDOR 1	VENDOR 2	VENDOR 3	BASIS FOR SCORE
Overall Comprehension of Project Objectives	0	0	0	Written section shows comprehension of City's needs/desires under this project
Average Score	0.00	0.00	0.00	

CRITERIA SCORES

	WEIGHT	VENDOR 1 WEIGHTED SCORE	VENDOR 2 WEIGHTED SCORE	VENDOR 3 WEIGHTED SCORE	NOTES
1. Adherence to RFP Instructions	0.25	0.00	0.00	0.00	
2. Company Information	0.40	0.00	0.00	0.00	
3. Project Understanding	0.35	0.00	0.00	0.00	
Total Score	1.00	0.00	0.00	0.00	

BYRD ANTI-LOBBYING AMENDMENT CERTIFICATION

(To be submitted with each bid or offer exceeding \$100,000)

The undersigned, _____ certifies, to the best of his or her knowledge, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 *et seq.*, apply to this certification and disclosure, if any.

Please check the appropriate box:

_____ No non-federal funds have been used or are planned to be used for lobbying in connection with this application/award/contract.

or

_____ Attached is Standard Form LLL, "Disclosure of Lobbying Activities," which describes the use (past or planned) of non-federal funds for lobbying in connection with this application/award/contract.

Executed this _____ day of _____, 20_____

By: _____
(Type or Print Name)

(Title of Executing Official)

(Signature of Executing Official)

(Name of Organization/Applicant)

IRAN DIVESTMENT ACT

In compliance with the Iran Divestment Act (State of Tennessee 2016, Public Chapter No. 817), which became effective on July 1, 2016, certification is required of all bidders on contracts over \$1,000.

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party hereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to T.C.A. § 12-12-106.

I affirm, under the penalties of perjury, this statement to be true and correct.

Date

Signature of Bidder

Company

A bid shall not be considered for award nor shall award be made where the foregoing certification has been complied with; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. The City of Collegedale may award a bid to a bidder who cannot make the certification, on case-by-case basis, if:

- The investment activities in Iran were made before July 1, 2016, the investment activities in Iran have not been expanded or reviewed on or after July 1, 2016, and the person has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
- The City of Collegedale makes a determination that the goods or services are necessary for the City of Collegedale to perform its functions and that, absent such an exemption, the political subdivision will be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

Non-Boycott of Israel Certification

The Contractor certifies that it is not currently engaged in, and will not for the duration of the contract engage in, a boycott of Israel as defined by Tenn. Code Ann. § 12-4-119. This provision shall not apply to contracts with a total value of less than two hundred fifty thousand dollars (\$250,000) or to contractors with less than ten (10) employees.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Instructions for Completing the Debarment/Suspension Certification Forms

- Read the Certifications thoroughly prior to completing the certification documents.
- Identify who will complete the certification documents, the Authorized Official or their Designee
 - **NOTE: A Designee is defined as a person who has been designated by the authorized official as responsible for completing the Certifications and has been granted permission by the Authorized Official to sign the documents with the Authorized Official's signature.**
 - When the Designee is completing the Certifications, the sections of the Certifications collecting the Designee's personal information must be completed in full for the Designee.
- The Certifications have check boxes to indicate whether the Agency certifies to the statement or whether it is not applicable. Make sure all appropriate check boxes are marked.
- At times, the Certification requires an explanation of why a Certification is not applicable for an agency. Agencies must then add this information to the Certification form.
- Agencies should review the Certifications to ensure they are completed in full, all appropriate check boxes marked, signatures and dates are present and designee information completed if necessary.
- Agencies should make a copy of the completed Certifications and keep them in their Agency Grant file.
- Completed Certification forms should be returned with the response to the RFQ.

**Instructions for Certification Regarding Debarment, Suspension,
Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions (Sub-recipients)**

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certificate, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.
5. The prospective lower tier participation agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause title "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may check the Non-procurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntary excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

US DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND
VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTIONS
(SUB-RECIPIENTS)**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 28 CFR part 67, section 67.510, and Participants' responsibilities. The regulations were published as part vii of the May 26, 1988 Federal Register (pages 19160-19211)

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON PREVIOUS PAGE)

(1) The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

(2) Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

Name and Title of Authorized Official: _____

Name and Address of Authorizing Agency: _____

"The Authorized Official certifies that to the best of his or her knowledge and belief that the information contained in this certification is correct and in accordance with the requirements of the application guidelines. The Authorized Official also certifies that the person named below is considered to be certifying this application, and is either the person legally responsible for committing the applying agency to this certification, or is executing this certification with the informed consent of the authorizing person (named and described in attachment A)."

☐ **Certification:** I certify, by my signature at the end of this form, that I have read and am fully cognizant of our duties and responsibilities under this Certification. *(Please click the box to the left)*

Name, Title, and Address of Certifying Designee (*IF DIFFERENT FROM AUTHORIZED OFFICIAL*):

Certifying Designee's Name: _____

Certifying Designee's Title: _____

Certifying Designee's Address: _____

Certifying Designee's Address: _____

Please complete all certifications, print them, and then sign & date each certification

Authorized Signature of the Applicant Agency:

Date:

(1) This contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such, the contractor is required to verify that none of the contractor's principals (defined at 2 C.F.R. § 180.995) or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).

(2) The contractor must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.

(3) This certification is a material representation of fact relied upon by the City of Collegedale. If it is later determined that the contractor did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to the City of Collegedale, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.

(4) The bidder or proposer agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract, the contractor agrees as follows:

- The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
- The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.
- The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.
- The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the

administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

- In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

- The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (9) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance:

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be

imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

COMPANY NAME: _____

PRINT NAME: _____

TITLE: _____

SIGNATURE: _____

Standard of Conduct/Conflict of Interest Requirements

In accordance with 2 CFR 200.318(c)(1), a non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award and administration of contracts (procurement) using Federal funds. The standards must address the following;

1. No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
2. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.
3. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.